IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 34362 of 2006(N)

PETITIONER:

BIJOY JOSEPH, DRIVER,
TECHNICAL HIGHER SECONDARY SCHOOL,
MUTTOM, THODUPUZHA-685 587.

BY ADV. SRI.N.SUGATHAN
SMT.VARSHA BHASKAR

RESPONDENTS:

---

1. THE DIRECTOR,
INSTITUTE OF HUMAN RESOURCES DEVELOPMENT,
PROJOE TOWERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM-14.

2. THE PRINCIPAL,
TECHNICAL HIGHER SECONDARY SCHOOL,
MUTTOM, THODUPUZHA-685 587.

3. BABU M.L., DRIVER,
MODEL POLYTECHNIC COLLEGE,
PAINAVU, IDUKKI DISTRICT.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, IHRDE
SRI.S.SUJIN, SC, IHRD
BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No.34362 OF 2006

- -

Dated this the 8th day of January, 2007

JUDGMENT

Case of the petitioner is as follows:

The petitioner was appointed as Driver by order dated 22.10.1999 and posted at Model Polytechnic College, Painavu. He continued there till June 2005. He is a resident of Thodupuzha. He made a request for transfer to Thodupuzha. On his request he was transferred and posted to Technical Higher Secondary School, Thodupuzha as per Ext.P2 order dated 6.6.2005. Ext.P3 is under challenge. By Ext.P3 the first respondent by order dated 7.12.2006 transferred the petitioner to Painavu. The third respondent who is junior to the petitioner is transferred to Poonjar. Ext.P4 is the guidelines, as per which the petitioner, who has not completed two years service in the station shall not be transferred. Ext.P5 option was given by the petitioner on 21.2.2006 expressing his desire that he be posted at Poonjar in case orders of transfer are issued after the period of two years. It is pointed out that it is overlooking the seniority of the petitioner that petitioner is transferred to Painavu, where he had already worked for nearly six

years while his junior is posted to Poonjar.

2. The further case of the petitioner is that the petitioner has been transferred apparently on the basis that the School bus has been transferred to Cherthala, where the first respondent is running an Engineering College. Ext.P6 would show, according to the petitioner that it is only a temporary transfer. Ext.P7 is relied on by the petitioner to show that the second respondent has infact written to the Director that the students and the staff of the institution at Thodupuzha feel very hard to reach School in time and that he requested that the School bus be returned to the School at Thodupuzha. Learned counsel would submit that all it is not fair in the matter. It is the case of the petitioner that the Principal of the College at Cherthala is the Secretary of the IHRD Employees Union. After the filing of the writ petition petitioner filed Ext.P8 representation before the first respondent seeking that Ext.P3 order may be modified and he may be posted to Engineering College, Poonjar or that he may be allowed to continue at T.H.S.S. Muttom (which is stated to be at Thodupuzha) till the school bus is returned to the school.

3. I heard learned counsel for the petitioner and the learned Standing counsel for the first respondent. In the facts and circumstances of the case the writ petition will stand disposed of as follows:

There will be a direction to the first respondent to consider and take a decision on Ext.P8 in accordance with law after hearing the petitioner and the third respondent within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.